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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 004767

SIPDIS

E.O. 12958: DECL: 08/12/2015

TAGS: [EU](#) [PGOV](#) [PREL](#) [TU](#) [EU](#)

SUBJECT: DRAFT GENERAL EU POSITION FOR THE ACCESSION
NEGOTIATIONS WITH TURKEY.

(U) Classified by Deputy Political Counselor Charles O.
Blaha, E.O. 12958, reasons 1.4 (b) and (d).

11. (C) ON August 10, the Danish DCM (strictly protect)
passed us the below document, dated July 19, from the
European Council General Secretariat to the EU Permanent
Representatives' Committee.

12. (C) Begin text:

11. The Enlargement Group, at its meetings on 5 and 12
July 2005, examined the draft General EU Position
(negotiating framework) for the accession negotiations with
Turkey, as submitted by the Commission (doc. 10690/05 ELARG
35).

12. Delegations welcomed the document proposed by the
Commission and considered that it was in line with the
conclusions of the European Council in December 2004 and June
12005. Furthermore, the document remained very close to the
negotiating framework already agreed for Croatia. The
majority of delegations considered the document to be
rigorous and balanced, which should be adopted without any
significant changes.

13. Some delegations, however, highlighted the need to
take greater account of the specific situation and
characteristics of Turkey as indicated in the European
Council conclusions of December 2004, as well as the Union's
capacity to absorb Turkey, in accordance with the 1993
Copenhagen European Council conclusions. In this light, three
delegations (AT/FR/CY) expressed a general scrutiny
reservation on the text; the Cypriot delegation also entered
a general reservation pending the signature by Turkey of the
Additional Protocol to the Ankara Agreement.

14. Further to the discussions at both meetings of the
Group, and without prejudice to future comments by
delegations, two categories of issues were identified as
follows:

15. Issues of a more political nature

- Paragraph 3 (see doc. 10690/05): One delegation (CY),
supported by a couple of other delegations (GR/IRL),
requested replacing the words "in Turkey" with "by Turkey" at
the beginning of the paragraph where reference is made to "a
serious and persistent breach in Turkey of the principles of
liberty, democracy, respect for human rights and fundamental
freedoms ..." (suspension clause). It was noted that similar
language ("by a Member State") is used in the Treaties
(Article 7 of the Treaty establishing the EU) and in the
draft Constitution. However, several delegations opposed this
change, recalling that the language "in Turkey" was used in
the European Council conclusions of December 2004, as well as
in the negotiating framework for Croatia, and insisted that
the current text should therefore be maintained.
A similar point was also made on the last sentence of
paragraph 2 as regards the monitoring by the Commission of
the implementation of the reform process, notably with regard
to fundamental freedoms and to full respect of human rights,
where one delegation (CY) suggested adding "wherever Turkey
exercises effective control..."

- Paragraph 4, second bullet point: As regards good
neighbourly relations and the resolution of outstanding
border disputes, one delegation (GR) reserved the right to
suggest changes to this bullet point.

- Paragraph 4, third (and fourth) bullet points: One
delegation (CY) reserved the right to suggest changes to the
paragraph on Cyprus. With regard to the implementation of the
Additional Protocol to the Ankara Agreement, the Commission
stated that this would form part of the benchmarking process,
as indicated in paragraph 18 of the negotiating framework,
although it was too early to say what the concrete benchmarks
would be or in which chapters they might be used. Other
issues On a point raised by one delegation (MT) to refer to
the implementation by Turkey of the six pieces of
legislation, identified by the Commission, in a manner
consistent with democratic principles, it was noted that a
general reference could be made in the opening
statement attached to the negotiating framework.

16. Other issues

- One delegation (CY) suggested adding a reference in the body of the text to the Intergovernmental Conference, using the exact language of paragraph 23 of the December 2004 European Council conclusions to the effect that the negotiations will be conducted "... in an Intergovernmental Conference with the participation of all Member States...".

- Paragraph 2: One delegation (CY) asked for the insertion of a reference to the "full and speedy implementation of the judgments of the European Court of Human Rights". The Commission questioned the need to highlight this specific aspect given that the formulation used in the text "including relevant European case law" was broad enough and also covered ECHR judgments.

- Paragraph 2: As regards the reporting obligation of the Commission on the implementation of the reform process, one delegation (GR) asked for the insertion of a phrase at the end of the last sentence which would read as follows: "addressing all points of concern identified in the Commission's Recommendation for Turkey and in its annual Regular Reports". The Commission felt that more general language would be preferable and proposed that the end of the last sentence could read: "progress will continue to be closely monitored by the Commission, which is invited to continue to report regularly to the Council on Turkey's compliance with the Copenhagen political criteria".

- Paragraph 4: One delegation (GR) requested the addition of the word "political" in the first sentence of the paragraph where there is a reference to "a framework of economic and social convergence". The Commission was reluctant, however, to change the text as this would mean a deviation from the negotiating framework with Croatia.

- Paragraph 5: One delegation (CY) asked for a reference indicating the need for Turkey to change its policy towards Cyprus' membership of international organisations and mechanisms.

- Annex with Preliminary indicative list of Chapter headings: Two delegations (FIN/DK) asked for the deletion of the footnote. However, one delegation (AT) felt it should remain.

17. Finally, delegations raised a number of questions regarding the negotiating procedures, and in particular benchmarking. See relevant non-paper of the Commission on this issue of 14.02.2005, issued as meeting document 6/05 of the Enlargement Group. (paragraph 18). The Commission provided clarifications on many of the issues raised, such as impact assessments of Turkey's membership on the Union and its policies, as well as the issue of a functioning market economy as a benchmark for relevant chapters. Furthermore it was noted that benchmarks would be precise and differ depending on the chapter, and would be updated as necessary.

18. In this light, the file is submitted to the consideration of the Permanent Representatives' Committee, which is invited, in particular, to:

- establish whether, subject to the reserves and outstanding issues identified above, there is agreement on the text;

- note that the Presidency will give Ministers an opportunity to raise their concerns about the general negotiating framework at the Gymnich meeting on 1-2 September 2005;

- consider the timetable leading to the adoption of the general negotiating framework in view of the opening of accession negotiations with Turkey on 3 October 2005. End text.

MCELDOWNEY